IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1331 of 2005

Between:

Konijeti Ramesh, S/o Late Konijeti Kannaiah,
C/o Kanna Textile & Turpaulin Industries Padi Street, Vijayawada-01.

..... PETITIONER

AND

1 Commissioner of Endowments, Endowments Department , Hyderabad.
2 C.V.Reddy Charities, Rep.by its Asst. Commissioner and E.O., Padi Street, Vijayawada-1

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order or direction, especially one in the nature of WRIT OF MANDAMUS declaring the action of the 1st Respondent issuing the proceedings D.Dis.No.L3/40306/2004, dated. 04/11/2004 and the consequential order of the 2nd Respondent, dated. 03/01/2005 as illegal, intentional malafide, arbitrary, opposed to principles of natural justice and consequently setaside the same as illegal and pass any such other order or orders as may deem fit and proper in the circumstances of the case in the interest of justice.

Counsel for the Petitioner: MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the admission stage made the following :

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O R D E R:

The petitioner is an existing tenant in respect of a godown, owned by the second respondent charities, since the year 1994. Through proceedings dated 4.11.2004, the first respondent accorded approval for the proposal of the second respondent to continue the lease in favour of the petitioner, by enhancing the lease amount at the rate of Rs.20,700/- per month. The existing rent is Rs.13,800/-.

Learned counsel for the petitioner submits that the matter of renewal of leases, in favour of the existing tenants, is governed by the instructions issued by the first respondent in Circular dated 19.09.1984, and according to the same, the lease can be renewed by enhancing the rent by 25%. He submits that the impugned order runs contrary to the said circular.

Heard learned counsel for the petitioner and the learned Government Pleader for Endowments.

Basically, the leases in respect of the immovable properties held by the religious institutions are to be granted by conducting public auctions, and even in case of renewals, the actual rent has to be ascertained by conducting auctions only. On a proposal submitted by the second respondent and the concerned Assistant Commissioner, the first respondent accorded permission for renewal of the lease in favour of the petitioner, up to 31.03.2007, by enhancing the rent to Rs.20,700/-.

As of now, it is not evident whether the circular dated 19.09.1984 is still in force, or the considerations, on the basis of which the first respondent enhanced the rent. Petitioner intends to make a representation in this regard.

Therefore, the writ petition is disposed of, directing that it shall be open to the petitioner to make a representation, as to the fixation of proper rent for the premises in question, and if the same is presented on or before 15th of February, 2005, the first respondent shall consider it and pass appropriate orders by end of March, 2005. In the mean while, the petitioner shall pay the rent at the rate of Rs.18,000/- per month. The rent for the subsequent period shall be the one decided, by the first respondent. There shall be no order as to costs.

4th February, 2005

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To

1 The Commissioner of Endowments, Endowments Department Hyderabad.
2 C.V.Reddy Charities, Rep.by its Asst. Commissioner and E.O., Padi Street, Vijayawada-1

3 Two C.Cs. to the Government Pleader for Endowments,

High Court buildings, Hyderabad (OUT)

3 Two C.D.copies